



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,553	03/09/2004	Reidar Saito Aamotsbakken		7814

7590 07/05/2005

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EXAMINER

COHEN, AMY R

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/799,553

Applicant(s)

AAMOTSBAKKEN ET AL.

Examiner

Amy R. Cohen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

The following is provided as an example of the suggested format for responding to an Office Action. The comments in *italics* are provided to instruct Applicant of requirements in format and content for submitting a complete reply. Please contact the examiner if you have any questions regarding this example.

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### UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number:

Applicant(s):

Filing date:

Title:

Group Art Unit:

Examiner:

### *Response to Office Action*

#### *Amendment*

In response to the Examiner's Action mailed on \_\_\_\_\_, please amend the above-identified application as follows:

*This is an example of a section for presenting amendments, if appropriate. When amendments to a claim are submitted, the entire text of the claim is presented, with the added text shown as underlined and the deleted text shown enclosed in [brackets].*

*All claims in the application should be listed and the status for each claim should be stated.*

*For example:*

*In the claims:*

*Claim 1 (currently amended) – provide text of claim 1 showing amendments, added text shown as underlined and deleted text shown enclosed in brackets—*

*Claim 2 (previously amended) – provide text of claim 2 as previously presented in the application, in clean form. Changes made to claim 2 in a previous communication are not to be labeled the current response. -*

*Claims 3-5 (canceled)*

*Amendments to the Specification should be submitted in the form of a replacement for the paragraph where the change(s) will be made.*

*For example:*

*Please amend the paragraph starting on Page 7 of the Specification as follows:*

*--Copy the entire text of said paragraph with the added text shown as underlined and the deleted text shown as enclosed in [brackets]. --*

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**Remarks**

*This is an example of a section for presenting arguments or comments in response to the Office Action.*

*Applicant should list the all the grounds of rejection and objections presented in the Office action and respond by presenting arguments to a rejection or explaining how the changes made to the claim language overcome a rejection.*

*Moreover, Applicant should respond any the objections to the specification, the drawings or the claims by explaining how the objected matter has been corrected or presenting reasons for disagreeing with the objection.*

*Note the following examples:*

-Claims 1-2 have been rejected under 35 U.S.C. 112. Applicant disagrees with said rejection because...

-Claims 1-3 have been rejected under 35 U.S.C. 102(b) over Smith. It is considered that Smith does not disclose the limitation “\*\*\*” recited in claim 1 because ...

-Claims 1-3 have been rejected under 35 U.S.C. 103(a) over Smith in view of Jones. Applicant does not agree that the combination of Smith and Jones renders the apparatus recited in claim 1 because ...

- Claims 1-3 have been rejected under 35 U.S.C. 102(b) over Smith. However, Smith does not disclose the limitation “\*\*\*\*” which has been added to claim 1. Therefore, the amendment made to claim 1 is considered to overcome said rejection.

-The drawings have been objected because the reference numeral [50] has been omitted from Figure 2. A proposed correction of Figure 2 is enclosed hereto with the numeral [50] added in red ink and a corrected version of the sheet of drawings including Figure 2 incorporating said reference numeral in black ink is presented for review.

*All applicants must sign and date the response*

\_\_\_\_\_(sign)  
\_\_\_\_\_(date)

*To provide evidence of date of submitting the response, the document must include either of: a certificate of mailing, if the response is mailed to the Patent & Trademark Office; or a certificate of transmission, if the response is faxed to the corresponding Technology Center, in this case Technology Center 2800. The fax number for Technology Center 2800 is (703) 872-9306. Examples of both certificates are provided below.*

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## **Certificate of Mailing**

I hereby certify that this correspondence is being deposited  
with the United States Postal Service with sufficient postage  
as first class mail in an envelope addressed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

on \_\_\_\_\_.

(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

## **Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to  
the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_

on \_\_\_\_\_.

(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

### *Specification*

1. The disclosure is objected to because of the following informalities:

In this case the Substitute Specification dated April 6, 2005 does not show the corrections made by the Applicant as described above. A statement in the Remarks section indicating that "no new subject matter has been added" is also required.

Appropriate correction is required.

### *Claim Objections*

2. Claim 1 is objected to because of the following informalities:

Claim 1 does not contain the appropriate status identifier, "currently amended" and does not show the changes made as described above. For purposes of prosecution, Examiner will interpret Applicant's claim 1 as amended April 6, 2005.

Claim 1, line 3, "An" should not be capitalized.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Velte (U. S. Patent No. 6,063,459).

Velte teaches a luminous vehicle topper (1) for engaging the end of a vehicle antenna (12), the luminous vehicle antenna topper comprising: an ornamental element (2) having an

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opening for retaining the antenna (4, 6), said ornament being constructed of a plastic material mixture incorporating a phosphorescing material in a single-step manufacturing process (Col 5, lines 60-65, Col 6, lines 55-65).

### *Response to Arguments*

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

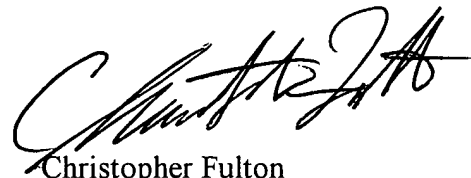
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R. Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC  
June 29, 2005



Christopher Fulton  
Primary Examiner  
Tech Center 2800